

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Fausto Defranco,

Plaintiff,

—v—

Stryker Corporation,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: JUN 01 2015

14-CV-8664 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

At the initial pretrial conference held on April 17, 2015 in the above-captioned matter, Plaintiff raised the possibility of amending his complaint to add additional defendants. The Court granted Plaintiff leave to amend his complaint within 30 days of the conference, Dkt. No. 21 at 3, and later extended the deadline to May 27, 2015, Dkt. No. 25. Also at the initial pretrial conference, both parties discussed the possibility that a contemplated additional defendant would destroy this Court's subject-matter jurisdiction based on a lack of complete diversity of parties. Thus, the Court informed Plaintiff that if he filed an amended complaint with a non-diverse defendant, he should file contemporaneously a stipulation of dismissal without prejudice.

On May 27, 2015, Plaintiff filed his Amended Complaint, which adds Defendant Howmedica Osteonics Corp. (d/b/a Stryker Orthopaedics)—a New Jersey corporation sharing the same citizenship as Plaintiff. Dkt. No. 27. Therefore, no later than Friday, May 29, 2015, the parties shall submit a stipulation of dismissal without prejudice or jointly file a letter indicating their respective positions as to why this case should not be dismissed for lack of subject-matter jurisdiction.

SO ORDERED.

Dated: June 1, 2015
New York, New York



ALISON J. NATHAN
United States District Judge